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	Application No.	Applicant(s)
	10/658,818	POPLAWSKI ET AL.
Notice of Allowability	Examiner	Art Unit
	Igor Kershteyn	3745
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI- of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this ap or other appropriate communicatior GHTS. This application is subject to	plication. If not included not will be mailed in due course. THIS
1. This communication is responsive to		
2. 🔀 The allowed claim(s) is/are <u>1-15</u> .		
3. \boxtimes The drawings filed on <u>08 September 2003</u> are accepted by	the Examiner.	
 4. ☐ Acknowledgment is made of a claim for foreign priority un a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have 		
2. Certified copies of the priority documents have been received in Application No		
3. Copies of the certified copies of the priority documents have been received in this national stage application from the		
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" of noted below. Failure to timely comply will result in ABANDONMI THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be submining INFORMAL PATENT APPLICATION (PTO-152) which give		
6. CORRECTED DRAWINGS (as "replacement sheets") must	t be submitted.	
(a) ☐ including changes required by the Notice of Draftsperso		948) attached
1) hereto or 2) to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date	Amendment / Comment or in the C	Office action of
Identifying indicia such as the application number (see 37 CFR 1.6 each sheet. Replacement sheet(s) should be labeled as such in the	84(c)) should be written on the drawing the header according to 37 CFR 1.121(c	ngs in the front (not the back) of d).
 DEPOSIT OF and/or INFORMATION about the depos attached Examiner's comment regarding REQUIREMENT F 		
· *		
Attachment(s)		
1. Notice of References Cited (PTO-892)	Notice of Informal P	atent Application (PTO-152)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summary	
 Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date 09/08/2003 	Paper No./Mail Dat 3), 7. ☐ Examiner's Amendn	nent/Comment
4. Examiner's Comment Regarding Requirement for Deposit	8. 🛛 Examiner's Stateme	ent of Reasons for Allowance
of Biological Material	9. Other	
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Reasons for allowance

The following is an examiner's statement of reasons for allowance:

The instant invention is deemed to be directed to an unobvious improvement to an axle driving apparatus and a method of maintaining a hydraulic bypass actuator in the actuated position.

Regarding claim 1, the improvement comprises a latching arm to engage a bypass arm when the bypass arm is rotated into the actuated position.

Regarding claim 9, the improvement comprises during movement of the bypass arm, causing the bypass arm to engage a latching arm such that upon release of the bypass arm the bypass arm is maintained in the actuated position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of two patents.

Angert (3,593,522) is cited to show a hydrostatic transmission having a bypass actuator but fails to teach a latching arm.

Hunt (5,052,511) is cited to show a hydrostatic transmission having a bypass actuator, a bypass arm, but fails to teach a latching arm.

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Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is (703) 308 8317. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on (703) 308 1044. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK June 23, 2004

lgor Kershteyn Patent examiner. Art Unit 3745

EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

8/7/04